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C. IRVIN MCCLELLAND  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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DAFTUAR, SAKET K

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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/089,083  
Filing Date: April 10, 2002  
Appellant(s): NISHIMURA ET AL.

Bradley D. Lytle (Reg. No. 40,073) and Andrew T. Harry (Reg. No. 56,959)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 11<sup>th</sup>, 2006 appealing from the  
Office action mailed January 06<sup>th</sup>, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,913,039	Nakamura et al	6-1999
6,868,403	Wiser et al	3-2005
6,581,110	Harif et al.	6-2003
6,636,888	Bookspan et al.	10-2003
6,625,643	Colby et al.	09-2003
6,611,521	McKay et al.	8-2003
6,510,556	Kusaba et al.	01-2003
5,953,706	Patel	09-1999
6,041,359	Birdwell	3-2000
6,185,683	Ginter et al.	02-2001
6,253,193	Ginter et al.	6-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-3, 5-12 and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al, U.S. Patent Number 5,913,039 (hereinafter Nakamura) as applied, and further in view of Wiser et al, U.S. Patent 6,868,403 B1 (hereinafter Wiser).

As per claim 1, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time for distributing content using said distribution server from a user terminal apparatus to a reservation control apparatus via a first network (see abstract and column 1, lines 43-45); a storing step of writing and storing said authentication information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal apparatus (see abstract and column 1 lines 55-62) ; a service requesting step of reading and sending, said authentication information stored in said predetermined storage area from said user terminal apparatus when said user terminal apparatus accesses and uses said distribution server based on said reservation (see column 2, lines 30-37); transmitting content from the user terminal apparatus to the distribution server via a second network; (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network) and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network (see column 2, lines 16-38) .

Nakamura failed to disclose a reservation accepting step of creating, authentication information used for an accepted reservation and sending the reservation setting information including said authentication information from said reservation control apparatus to said user terminal apparatus via the first network

when the reservation for use of said distribution server during said desired service time included in said reservation request information is accepted and an authenticating step of deciding whether the use of said distribution server by said user terminal apparatus is accepted or not based on said authentication information sent from said user terminal apparatus.

Wiser teaches a reservation accepting step of creating, authentication information used for an accepted reservation and sending the reservation setting information including said authentication information from said reservation control apparatus to said user terminal apparatus via the first network when the reservation for use of said distribution server during said desired service time included in said reservation request information is accepted (see column 5, lines 4-20) and an authenticating step of deciding whether the use of said distribution server by said user terminal apparatus is accepted or not based on said authentication information sent from said user terminal apparatus (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 2, Nakamura discloses in said storing step, said authentication information included in said reservation setting information is automatically written and stored in said predetermined storage area (column 1 lines 55-62, examiner considers reservation setting information is stored in schedule table storage unit).

As per claim 3, Nakamura failed to discloses in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database; and in said authentication step, the use of said distribution server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal.

Wiser teaches in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database (see column 6, lines 50-60 examiner considers storing in media file system as storing information in database); and in said authentication step, the use of said distribution server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 5, Nakamura discloses in said reservation accepting step, said user terminal apparatus sends reservation setting information including communication/connection information necessary to establish a communication/connection with said distribution server to said user terminal apparatus via the first network; (see column 1, lines 43-45, examiner considers client sending request to server as sending reservation setting information to establish a communication connection with distribution server); in said storing step, said user terminal apparatus stores said communication/connection information (see column 1, lines 55-64) ; and in said service requesting step, said user terminal apparatus reads said stored communication/connection information and carries out processing to establish a communication/connection with said distribution server based on the read communication/connection information (see column 1, lines 41-52) .

As per claim 6, Nakamura discloses said user terminal apparatus carries out a communication/connection with said processing server via a telephone



network, said communication/connection information contains a telephone number to be called by said user terminal apparatus to establish a communication/connection with said distribution server (see column 1, lines 43-45).

As per claim 7, Nakamura discloses said user terminal apparatus automatically starts processing to establish a communication/connection with said distribution server at the start time of said reservation or a predetermined time before the start time of said reservation (see column 3, lines 3-8, examiner considers locating the start of the data stream inherits automatically starts processing to establish a communication / connection with said distribution server at the start time of said reservation or a predetermined time before the start time of said reservation).

As per claim 8, Nakamura discloses a notifying step of notifying the user of said user terminal apparatus at the start time of said reservation or a predetermined time before the start time of said reservation that the start time of said reservation or a predetermined time before the start time of said reservation has come (see column 8, lines 39-42).

As per claim 9, Nakamura failed discloses in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information.

Wiser teaches in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information (see column 4, lines 35-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 10, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time for distributing content using said distribution server from a user terminal apparatus to a reservation control apparatus via a first network (see abstract and column 1, lines 43-45); a reservation accepting step of sending, reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said processing server from said reservation control apparatus to said user terminal apparatus via the first network when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted; (see column 1, lines 40-52, examiner considers data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of

sending reservation setting information with communication/connection information); a storing step of writing and storing said communication/connection information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal apparatus(see abstract and column 1 lines 55-62) ; a communication establishing step of reading, said communication/connection information stored in said predetermined storage area and establishing a communication/connection with said distribution server based on the read communication / connection information when said user terminal apparatus accesses and uses said distribution server based on said reservation; (see column 2, lines 20-38, examiner considers server control unit reads stored data in job schedule storage unit as a step of reading communication/connection information) transmitting content from the user terminal apparatus to the distribution server via a second network; (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network) and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network (see column 2, lines 16-38) .

As per claim 11, Nakamura discloses in said storing step, said communication/connection information included in said reservation setting information is automatically written and stored in said predetermined storage

area (column 1 lines 55-62, examiner considers communication setting information is stored in schedule table storage unit).

As per claim 12, 14, 15, and 16, they do not teach or further define over the limitations recited in claims 9, 6, 7, and 8, respectively. Therefore, claims 12, 14, 15, and 16 are rejected for the same reasons set forth in claim 9, 6, 7, and 8, supra.

As per claim 17, they do not teach or further define over the limitations recited in claims 9 and 12, respectively. Therefore, claim 17 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 18, Nakamura discloses receiving means for receiving reservation request information including a desired service time to use a distribution server provided from said a user terminal apparatus via a first network; (see column 1, lines 40-65, examiner considers transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request information including a desired service time to use a distribution server provided from said a user terminal apparatus via a first network); reservation setting information generating means for generating, reservation setting information including authentication information used only for an accepted reservation when a reservation for the use of said distribution server in said desired service time contained in said reservation request information is accepted; (see column 1, lines 40-52, examiner considers data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation

setting information) ; and transmitting means for transmitting the reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information via the first network) and wherein, said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the

internet, and that provides security of the media throughout the distribution system.

As per claim 19, Nakamura discloses said reservation setting information generating means includes a command to execute processing of automatically writing and storing said reservation setting information in a predetermined storage area of said user terminal apparatus in said reservation setting information (see column 2, lines 1-38).

As per claim 20, Nakamura failed to disclose an authentication information database for storing the authentication information generated by said reservation setting information generating means.

Wiser teaches an authentication information database for storing the authentication information generated by said reservation setting information generating means (see column 5, lines 4-20); and authenticating means for receiving, when said user terminal apparatus sends authentication information to obtain a permission to use said distribution server based on said reservation, the authentication information sent, deciding whether the received authentication information matches the authentication information stored in said authentication information database and accepting the use of said distribution server by said user terminal apparatus only when the two authentication information pieces match (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 21, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 21 is rejected for the same reasons set forth in claims 9 and 12, *supra*.

As per claim 22, Nakamura discloses receiving means for receiving reservation request information including a desired service time to use a distribution server provided from a user terminal apparatus via a first network; (see column 1, lines 40-65, examiner considers transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generating means for generating reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said distribution server via the first network when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted (see column 1, lines 40-52, examiner considers data stream

transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmitting the reservation setting information generated by said reservation setting information generating means to said user terminal apparatus via the first network(see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) and wherein said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the



internet, and that provides security of the media throughout the distribution system.

As per claim 23 and 24, they do not teach or further define over the limitations recited in claim 19 and 6, respectively. Therefore, claims 23 and 24 rejected for the same reasons set forth in claims 19 and 6, supra.

As per claim 25, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 25 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 26, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said distribution processing server provided from a user terminal apparatus via a first network (see column 1, lines 40-65, examiner considers transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generation processing that, generates reservation setting information including authenticated information used only for an accepted reservation when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted, and (see column 1, lines 40-52, examiner considers data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmission processing that transmits the

reservation setting information including authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) wherein, said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network.( see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network.).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the

internet, and that provides security of the media throughout the distribution system.

As per claim 27, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said distribution server provided from a said user terminal apparatus via a first network; (see column 1, lines 40-65, examiner considers transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generation processing that, generates reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said distribution server via the network when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted; and (see column 1, lines 40-52, examiner considers data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmission processing that transmits said reservation setting information to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) . Wherein, said reservation information includes information used by said user terminal apparatus to transmit content from

said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network.).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

#### **(10) Response to Argument**

2. Appellant arguments filed September 11<sup>th</sup>, 2006 have been fully considered but they are not persuasive. As per arguments filed on September 11<sup>th</sup>, 2006, the appellant ' argue in substance that:

a. Appellant argues that Nakamura fails to disclose transmitting content from the user terminal apparatus to the distribution server via a second network; and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network (see appeal brief, pages 6-9).

In response to appellant argument a), the examiner would like to point out first that it is unclear which network appellant is trying to transmit content from user terminal apparatus to distribution server [via second network] and which network said content data received by distribution server from said user terminal apparatus [over first network]. Appellant discloses that transmitting content from user terminal apparatus to a distribution server via second network. However, in contrary, appellant also discloses at content distribution server, "said content data received from said user terminal apparatus over said first network." Therefore, it is still unclear about the existence of first network and second network.

Nakamura invention are directed to "an on-demand communication system in which a plurality of clients and a multi-media server are connected via a network and a data stream is transmitted in response to a transmission request of a title from one of the clients, each client comprising: a transmission device which transmits a set of reproduction information comprising a plurality of titles and reproduction start time of each of their the data streams to the server along

with a client identifier for identification; a reception device for receiving the data stream transmitted from the server; and a reproduction and output device for reproducing and outputting the data stream received by the reception device, the server comprising: a reception buffer for temporarily storing the set of the reproduction information and the client identifier transmitted from the transmission device; a transmission information creation device for reading the set of the reproduction information and the client identifier stored in the reception buffer and creating a set of transmission information for each client, wherein the transmission information includes a title and a transmission start time that are equal to the title and the reproduction start time in the reproduction information; a transmission information storage device for storing the set of the transmission information for each client which was created by the transmission information creation device; a data stream storage device for storing groups of data stream per titles a transmission instruction device for reading the set of the transmission information stored in the transmission information storage device and giving a transmission instruction when the transmission start time comes; and a data stream transmission device for reading the data stream which corresponds to the title in the transmission information and is stored in the data stream storage device and transmitting it to the client, wherein the transmission instruction includes the title and the client identifier.”(see column 4, line 48- column 5, line 14)

The examiner considers plurality of clients and a multi-media server are connected via a network and each client comprising a transmission device and a reception device [user terminal] which transmits a set of reproduction information [Video content such as Video A] comprising a plurality of titles and reproduction start time of each of their the data streams to the server along with a client identifier for identification and receives the data stream transmitted from the server. The examiner also considers data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network [See Figure 1, block 130 network connected to block 120 server and 101client; The examiner considers data [content] transmitted from 101 client to 120 server as transmitting content from the user terminal apparatus to the distribution server via a second network] and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network [see Figure 1, block 130 network connected to block 120 server and 101client; The examiner considers data received by plurality of 101 clients from 120 server as broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the

internet, and that provides security of the media throughout the distribution system.

b. Appellant argues that there is no motivation or suggestion to combine Nakamura and Wiser relative to the rejection of claims 1, 10, 18, 22, 26, and 27.

In response to appellant argument b), Nakamura discloses an on-demand communication system provides a multimedia server [audio or video server] connected to a plurality of clients via a network where a data stream [audio or video data] can be transmitted in response to a transmission request of a multimedia title from a transmission devices at the client site. Wiser discloses a computer implemented online music distribution system that provides a secure delivery of audio data and related media, including text and images, over a public communication network and also provides a security through multiple layers of encryption and the cryptographic binding of purchased audio data to each specific purchases (clients). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.



Art Unit: 2151

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

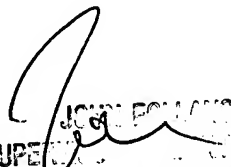
For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Saket K Daftuar

Conferees:

John Follansbee

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
KHANH DINH  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER